IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

MONDAY, THE 1ST OCTOBER 2007 / 9TH ASWINA 1929

WP(C).No. 8227 of 2007(D)

PETITIONERS:
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1. **THE SUVARNA CHIT FUND,**
   REPRESENTED BY ITS PARTNERS.
   VINCENT, S/O.JOHN, AGED 51 YEARS,
   ANCHUTHARAYIL, PANAVALLY VILLAGE.

2. **PIOUS, S/O.JOHN, AGED 47 YEARS,**
   ANCHUTHARAYIL, PANAVALLY VILLAGE.

BY ADV. SRI.K.S.HARIHARAPUTHRAN

RESPONDENT:

ROSEILY JOSE, W/O.THOMAS,
ROSE VILLA FROM NADEEKKATTU,
VALAMANGALAM THEKKU, THURAVOOR THEKKU VILLAGE,
CHERTHALA TALUK.

BY ADV. SRI.JOHN JOSEPH(ROY)

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 01/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KSS

WPC.NO.8227/2007 D

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: **COPY OF THE PLAINT O.S.68/95 FILED BEFORE THE SUB COURT, CHERTHALA DTD. 23/02/1993.**

EXT.P2: **COPY OF THE JUDGMENT DTD. 27/09/2006 IN WP(C) NO. 34945/2003(I) OF THIS HON'BLE COURT.**

EXT.P3: **COPY OF THE OBJECTIONS FILED IN THE I.A.NO.149/07 IN O.S.NO.68/95 FILED BEFORE THE SUB COURT, CHERTHALA DTD. 31/01/2007.**

EXT.P4: **COPY OF THE ORDER IN I.A.149/07 IN O.S.68/95 OF THE COURT OF THE SUBORDINATE JUDGE, CHERTHALA DTD. 14/02/2007.**

1ST RESPONDENT'S EXHIBITS:

EXT.R1: **COPY OF THE RELEVANT PAGES OF THE PASS BOOK OF THE CHITTY ALLEGED TO HAVE CONDUCTED BY THE PETITIONER.**

EXT.R2: **COPY OF THE POSTAL ACKNOWLEDGEMENT CARD ISSUED IN THE ADDRESS OF THE PETITIONER AT JEMMU.**

/TRUE COPY/

P.A.TO JUDGE

KSS

M.N. KRISHNAN, J.

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W.P.C. NO. 8227 OF 2007

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Dated this the 1st day of October, 2007.

J U D G M E N T

This writ petition is preferred against the order passed by the learned Subordinate Judge, Cherthala in I.A.149/07 in O.S.68/95 thereby she had refused to receive documents produced by the plaintiff in the case. It is submitted that documents sought to be produced are a copy of the Registration Certificate and another document which is an extract of the Registrar of Firms. The Court below found that there is no sufficient explanation for not producing the document at an earlier stage. It is submitted that the consideration of these documents may be relevant for a proper determination of the case. Therefore, I direct the Court below to receive the documents but make it clear that admissibility, relevancy and other factors including proof are all matters which the Court has to consider when it is received in evidence. It is also made clear that these documents are to be proved in accordance with the

provisions of the Indian Evidence Act. The correctness, legality or otherwise concerning the documents are to be considered by the Court when it really enters into a hearing on that finding while passing an order on receipt of documents.

The writ petition is disposed of accordingly.

M.N. KRISHNAN, JUDGE.

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